

## Memorandum

**To:** Rhode Island Water Resources Board  
**From:** M. Paul Sams, General Manager  
**Date:** December 2, 2003  
**Subject:** **Water Allocation Program Advisory Council (WAPAC) Recommendations**

### BACKGROUND

The Water Allocation Program Advisory Council and its committees have been meeting regularly for approximately one year. At its last meeting on November 20, 2003, the WAPAC heard and discussed reports from WRB staff and the Water Rights/Regulatory Authority Committee. Based on the information presented, the WAPAC has initial recommendations for consideration to the Water Resources Board.

### DISCUSSION

At this WAPAC meeting the Water Rights/Regulatory Authority Committee presented its findings (*see Attachment A*). The focus of these findings was the various water rights “structures” for surface and groundwater that Rhode Island can consider in order to modify its current rights structure (today, water supply/use conflicts are resolved on a case-by-case basis in the courts, rather than by an administrative agency).

Also at the meeting, WRB staff presented a second level of analysis (*see Attachment B*) of the 84 WAPAC recommendations (originally presented in the October meeting) aligned with major themes identified in the October meeting. The purpose of the analysis was to boil down the 84 recommendations in order to identify the essential, critical elements of a water management program. The focus shifted away from individual committees to the entire WAPAC effort. Approximately 20 priority recommendations, representative of each of the WAPAC committees, were presented. These “priority” recommendations were almost evenly split between two of the four water management categories identified in State Guide Plan (SGP) Element #722, Water Supply Plan, supplemented by new priorities not explicitly stated in SGP 722.

In the analysis, categories of recommendations were grouped under major topical areas such as Conservation Education/Outreach, Data/Information Systems, Monitoring, Technical Assistance, Legal Considerations, Research and Funding. Among the 20 priorities, the business process of managing the quantity and quality of water and wastewater (versus allocating it) emerged as the overriding theme with a strong link to land use management. The recommendation to provide technical assistance in order to properly factor water and wastewater into local land use decisions addresses program gaps previously identified by the WAPAC. Other priorities address the fact that Rhode Island’s laws, regulations and policies are not as reflective of current science (safe yield, stream flow, priority areas), as perhaps they should be. There is recognition that more water use information is needed more frequently, and that price signals are essential to increase the public’s awareness of, and appreciation for, the value of water. Exactly how these top priorities fit together is the WAPAC’s next challenge.

The second part of the analysis was an effort to sort the 20 priorities to provide a preliminary determination as to whether legislation or funding (or both) were needed for implementation. Predictably, most (12 of the 20) appear to require legislation, while all but one recommendation require funding.

### First Steps

A list of first steps (*see Attachment C*) was also prepared by WRB staff and provided to the WAPAC. Previously, WRB staff requested that each Sub-Committee develop a list of priority recommendations along with an initial assessment regarding legislative and funding needs for each recommendation. This list of first steps provides the

priority recommendations from each of the Sub-Committees echoing Mr. Peter Marino's comments during the October meeting to identify "must haves." This list is the same as the 20 priorities and will be merged into one document for discussion in December.

### **Meeting Outcome**

After discussion, there was clear consensus on the need for data and reporting in order to create the necessary knowledge base. The *initial* recommendation of the WAPAC to the Board is that the WAPAC endorses the following three recommendations from the Water Use Reporting Sub-Committee as the "first steps."

- Require "major" public suppliers to report monthly water withdrawal data annually on a calendar year basis (report to include a breakdown of use by type of use and by quarter)
- Require water use report for major users (greater than 3 million gallons per year or >8,200 gpd or 740,000 gallons per three month period). Voluntary reporting initially and mandatory reporting beginning January, 2007
- Conduct research to develop a range of domestic water use coefficients to assist local land use decisions on water availability

However, these first steps were endorsed by the WAPAC with the understanding that there is strong objection on mandatory reporting for the self-supplied users from representatives of the farming community. There was no objection to voluntary reporting.

In addition, there was one item on the priority list that required no funding or legislation. This recommendation from the Streamflow Sub-Committee was also endorsed by WAPAC:

- Evaluate and modify the proposed RI Aquatic Base Flow (RIABF).

### **On-Going Staff Activities**

The December WAPAC meeting will be spent discussing the priorities with the objective of identifying essential program elements that would become the framework for a work plan. Staff will continue to further refine priorities and/or first steps and lay out a work plan for consideration during the December WAPAC meeting, the January Board meeting and the January 29 strategic session with the Board and the WAPAC.

### **RECOMMENDATION**

Staff recommended that the PDWP Committee accept the WAPAC's initial recommendations. The WRB staff will continue to assess implementation requirements, timelines and compliance issues for further consideration by the PDWP Committee and the Board. PDWP members endorsed the initial recommendations with the following understanding in discussion of the motion:

- Future requests for committee or board action should be based upon a full evaluation of all recommendations and priorities. It was recognized that these four initial recommendations were clear, concrete and essential first steps, that can be initiated though they will require further definition and staff input to the committee and the board.
- The full language from the committee recommendations would appear in the endorsement.
- There is strong objection to mandatory reporting and any requirement for metered data from the farming community.
- That the endorsement is of the four initial recommendations only, not an endorsement of the "top 20" since they have not been fully evaluated by the WAPAC.
- That the recommendation to evaluate and modify the proposed RI Aquatic Base Flow standard be clearly identified as an endorsement of the continued work of the stream flow sub-committee of the WAPAC which, once final, will come before the PDWP and Water Resources Board for further consideration.

Mr. Stamp made a motion to put the initial four items forward as initial recommendations with the full text included as listed below. The motion was seconded by Ms. Good and approved unanimously.

- Require “major” public suppliers to report monthly water withdrawal data annually on a calendar year basis (report to include a breakdown of use by type of use and by quarter)
    - *Require “major” public suppliers (those required to submit WSSMPs) to report monthly water withdrawal data annually on a calendar year basis. The committee felt that this could be accomplished in the short term and that these data are available now.*
    - *Require “major” public suppliers to breakdown and report water use by category (domestic, commercial, industrial, institutional, agricultural, “nonaccount”) quarterly, based on a calendar year. There was recognition that this may take time to implement as systems update software/capacity for reporting. The Committee recommends implementation by 2010.*
  - Require water use reporting for major users (greater than 3 million gallons per year or >8,200 gpd or 740,000 gallons per three month period). Voluntary reporting initially.
    - *Require water-use reporting for use above the “major user” threshold of 3 million gallons per year (>8,200 gallons/day or >740,000 gallons over a three month period) for all self supplied users as well as “minor” suppliers statewide. Voluntary reporting of metered data or other accurate methods of measurement accepted by the Water Resources Board would commence in January 2005 and would become mandatory by January 2007.*
  - Conduct research to develop a range of domestic water use coefficients to assist local land use decisions on water availability
    - *Conduct research to develop a range of domestic coefficients for water use that reflect seasonal variability, domestic irrigation systems (sprinklers), lawn size, age (vegetation), to assist local land use decisions on water availability for future subdivisions. Public water system studies and data as well as a “metered study” for self-supply with/without sprinklers, with varying lot sizes were offered as potential approaches to improving data and establishing a range of coefficients.*
- [Note: The committee would like the word “domestic” deleted to allow for more general research, conversation with Anne Veeger 12/08/03]
- Evaluate and modify the proposed RI Aquatic Base Flow (RIABF).
    - *As watershed specific standards are being developed, the subcommittee recommends use of an interim standard for new withdrawals and planning purposes. The subcommittee has considered a wide range of alternatives, and has found none substantially superior to the RIABF interim standard proposed by DEM. The subcommittee wants to further evaluate the RIABF as the interim standard.*

**ATTACHMENT A:** Preliminary Findings of the Subcommittee on Water Rights and Regulatory Authorities

**ATTACHMENT B:** WAPAC Thematic Findings and Recommendations

**ATTACHMENT C:** WAPAC First Steps

**ATTACHMENT D:** WAPAC Missions, Deliverables and Recommendations

**ATTACHMENT E:** Minority Report by RI Farm Bureau and RI Agricultural Council

**ATTACHMENT F:** WAPAC November Meeting Proceedings